

Tom Rea
North Hertfordshire District Council
Planning Control & Conservation
Council Offices Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3JF

Our ref: NE/2026/139034/01
Your ref: 25/03184/FP
Date: 17 February 2026

Dear Tom

Mill Farm, High Street, Whitwell, Hitchin, Hertfordshire, SG4 8AG

Conversion and extension of existing barn/outbuilding to create one two-bedroom dwelling.

Thank you for consulting us on the above application on 27 January 2026. As part of the consultation, we have reviewed the following document:

- Flood Risk Assessment for Mill Barn, Whitwell, Hitchin, Hertfordshire, SG4 8AG; prepared by Stomor; reference: ST3574/FRA-2406-Rev1; dated June 2024.

Environment Agency Position

We object to this application as it involves building over/works within 8 metres of the river Mimram, a designated main river. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

The proposal does not comply with the requirements for planning, as it does not adequately assess the development's impact on proximity to the culvert. The river in this location is also a chalk stream, a protected habitat.

Our objection is in line with Policy NE9 (Water quality and environment) of the North Hertfordshire Local Plan (adopted November 2022).

Reasons for objection

The proposed extension south of the existing Barn building appears to fall within 8 metres or directly on top of a culverted main river watercourse as shown on our mapping. As submitted, it is unclear on the exact location of the development in relation to the river, and therefore we cannot determine whether the proposed development is likely to adversely affect the construction and stability of the culvert, which could compromise its function. The proposal will therefore increase the risk of flooding due to the following reasons:

- The applicant has not provided a map showing the exact location of the culvert or river in relation to the development and has not demonstrated that an 8m buffer zone will be provided between the watercourses and the proposed development, or adequate justification as to why a buffer smaller than 8m has been provided.
- The applicant has not demonstrated that there will be no adverse effects on the structural integrity of the culvert due to additional loading which poses the risk of collapse and potential blockages, increasing flood risk.
- The proposed development could block overland flood flow routes surcharging from the culvert, increasing flood risk to the proposed development and possibly existing properties elsewhere.
- The proposed development could restrict essential maintenance and emergency access to the main river. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works.

The applicant acknowledges in the FRA document that there is a culvert within 8m of the proposed works. The FRA further explains that the culvert was blocked in the 1970s and has not been operational since then. However, we have no records of this, and the applicant has not provided any further evidence to support this claim.

It is not certain from the submitted plans where exactly the existing culvert is located in relation to the proposed extension as the culvert has not been marked on plans. Based on our mapping, it looks as though the development could be located directly on top of the culverted main river. **We oppose building over existing main river culverts.**

Overcoming our objection

To overcome our objection the applicant should submit a clear map to demonstrate the exact distances of the development to the culvert, including clearly marking whether the proposed development is situated on top of the culvert. A CCTV survey may be required to demonstrate the exact location of the culvert. The survey should also specify the depth of the culvert, which should inform the depth of any foundations/piles.

The applicant must provide evidence they have assessed whether an 8m buffer zone can be provided. If an 8m buffer zone is not considered reasonable, the applicant must also demonstrate (through submission of further details) that the proposed development will not increase the likelihood of structural failure (of the culvert) due to additional loading. Evidence that there will be no adverse effects on the structural integrity of the culvert can be provided in the form of loading calculations and foundation/pile drawings as appropriate. The applicant must also provide evidence to demonstrate access to the culvert and river are provided for emergency maintenance and repairs.

Alternatively, the applicant must provide evidence that the culvert is not functional. It is possible to challenge our existing records on the basis of new evidence and apply for a "main river variation".

Informative

Please include the below informative for any permission granted.

Environmental permit – Flood risk activities

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
- building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit [Flood risk activities: environmental permits - GOV.UK](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits) or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Advice to Local Planning Authority

Sequential Test

What is the sequential test and does it apply to this application?

In accordance with the NPPF (paragraphs 175-177 (inc. footnote 62)), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
 - the proposed development is consistent with the use for which the site was allocated; and
 - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test
- Developments where no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the LPA, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development

objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Advice to applicant

Pre-Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us, we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNL SustainablePlaces@environment-agency.gov.uk.

Further information on our charged planning advice service is available at: [Planning and marine licence advice: standard terms for our charges - GOV.UK](#)

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

In accordance with the planning practice guidance (determining a planning application, paragraph 038), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Charlotte Mann
Planning Advisor

Email: HNL SustainablePlaces@environment-agency.gov.uk
Direct Dial: +44 20 8026 2460